

RCE # *[Handwritten signature]*

PATENT / DOCKET NO. 16356.572 (DC-02618)
Customer No. 000027683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Merkin et al.

Serial No.: 09/770,569

Filed: January 26, 2001

For: AUTOMATICALLY INITIATING A
MANUFACTURING MODE OF A SYSTEM
FIRMWARE

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Group Art Unit: 2115

Examiner: Cao, Chun

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Dear Sir:

Enclosed are the following documents corresponding to the enclosed Request for Continued Examination:

1. Request for Continued Examination Transmittal ("RCE");
2. a check in the amount of \$ 790.00; and
3. a return postcard.

The Commissioner is hereby authorized to charge Deposit Account No. 08-1394, Order No. 16356.572 of Haynes and Boone, LLP, for any deficiencies in the enclosed fees. This sheet submitted in duplicate.

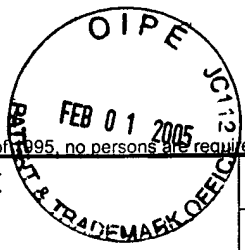
Respectfully submitted,

[Handwritten signature of James R. Bell]
James R. Bell
Registration No. 26,528

Date: 1-26-05
HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 512/867-8407
Facsimile: 214/200-0853

A-173135_1.DOC

DATE OF DEPOSIT: <u>1/28/05</u>
This paper and fee are being deposited with the U.S. Postal Service first class mail addressed to the Commissioner for Patents, Mail Stop RCE, P.O. Box 1450, Alexandria, VA 22313-1450.
<i>[Handwritten signature of Nishi Pasarya]</i>
Nishi Pasarya



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**Request
for
Continued Examination (RCE)
Transmittal**Address to:
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Alexandria, VA 22313-1450

Application Number	09/770,569
Filing Date	January 26, 2001
First Named Inventor	Merkin et al.
Art Unit	2115
Examiner Name	Cao, Chun
Attorney Docket Number	16356.572 (DC-02618)

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____ii. ☒ Other Amendment Afer Final mailed January 7, 2005b. ☐ Enclosedi. ☐ Amendment/Replyiii. ☐ Information Disclosure Statement (IDS)ii. ☐ Affidavit(s)/ Declaration(s)iv. ☐ Other _____**2. Miscellaneous**a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)b. ☐ Other _____**3. Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 08-1394 I have enclosed a duplicate copy of this sheet.i. ☐ RCE fee required under 37 CFR 1.17(e) 02/03/2005 MAHME1 00000053 09770569ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 790.00 UPiii. ☐ Other _____b. ☒ Check in the amount of \$ 790.00 enclosedc. ☐ Payment by credit card (Form PTO-2038 enclosed)**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature		Date	<u>1-26-05</u>
Name (Print/Type)	James R. Bell	Registration No.	26,528

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	<u>1/28/05</u>
Name (Print/Type)	<u>NISHU PASAREYA</u>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.